United Nations A/AC.109/2014/10

General Assembly

Distr.: General
21 February 2014

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Montserrat

Working paper prepared by the Secretariat

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The Territory at a glance

Territory: Montserrat is a Non-Self-Governing Territory under the Charter administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Adrian Derek Davis (since April 2011).

Geography: Situated in the Leeward Islands in the eastern Caribbean, 43 km south-west of Antigua and 64 km north-west of Guadeloupe. The entire island is volcanic. In July 1995, the Soufrière Hills volcano, which had been dormant for more than 400 years, erupted with devastating effects, including the destruction of the capital, causing the evacuation and relocation of about 70 per cent of the population from the southern part of the island. The effects of that eruption and subsequent lighter volcanic activity are still being felt.

Land area: 103 km².

Exclusive economic zone: 7,582 km².[a]

Population: 5,000 (2012 estimate).

Language: English.

Capital: Plymouth, abandoned in 1997 following the volcanic eruption. A new urban centre is being developed at Little Bay.

Head of territorial Government: Premier Reuben Meade.

Main political parties: Movement for Change and Prosperity; New People's Liberation Party.

Elections: Last held in September 2009; next elections to be held in September 2014.

Legislature: Nine-member Legislative Assembly.

Gross domestic product per capita: $9,500 (2012 estimate).

Economy: Financial services, investments, construction.

Main trading partners: Canada, Japan, Trinidad and Tobago, United States of America.

Unemployment rate: 13 per cent (2012 estimate).

Monetary unit: East Caribbean dollar (EC$ 2.70 equals $1).

Brief history: Columbus named Montserrat after a monastery in Spain. The first European settlers, mostly Irish, arrived in 1632. The island later became a haven for indentured Irish servants transported to the British West Indies. A major slave uprising occurred on St. Patrick's Day in 1768. In the eighteenth century, Montserrat was intermittently occupied by France, prior to its confirmation as a British Territory in 1783. It became a British Crown Colony in 1871. Following the break-up of the Federation of the West Indies in 1962, Montserrat opted for Crown Colony status rather than associated statehood.

[#] Exclusive economic zone data from the "Sea Around Us" project, a collaboration between the University of British Columbia and the Pew Environment Group (see www.seaaroundus.org).

I. Constitutional, political and legal issues

1. Under the Montserrat Constitution Order 2010, which entered into force in September 2011, Montserrat has a governor appointed by the British Crown, a cabinet and a legislative assembly. The current Governor took office in April 2011. He is responsible for internal security (including the police), external affairs, defence, public service and the regulation of international financial services. Under the Constitution, the British Crown reserves the power, with the advice of the Privy Council of the United Kingdom, to make laws for the peace, order and good government of Montserrat.

2. The Cabinet consists of the Premier, three other ministers, the Attorney General and the Financial Secretary. The Deputy Governor may attend meetings, but does not have the right to vote. The Cabinet is presided over by the Governor and is responsible for the general control and direction of the Government and is collectively responsible to the legislature.

3. The Legislative Assembly consists of nine members. Elections are normally held in Montserrat every five years on the basis of universal adult suffrage. The most recent elections were held in September 2009, after which the Movement for Change and Prosperity formed a Government headed by Reuben T. Meade. In September 2011, he became the first Premier of Montserrat.

4. The law of Montserrat comprises primarily legislation enacted by the legislature of Montserrat, certain acts of the Parliament of the United Kingdom extended to Montserrat, orders in council made by the British Crown in the Privy Council and English common law. Montserrat falls under the jurisdiction of the Eastern Caribbean Supreme Court (High Court and Court of Appeal). The Court of Appeal is an itinerant court established under the West Indies Associated States Supreme Court Order No. 223 of 1967, whose sittings rotate among its nine members, including Montserrat. The final court of appeal for civil and criminal matters is the Judicial Committee of the Privy Council. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.

5. As previously reported, addressing the Pacific regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Quito from 30 May to 1 June 2012, the Premier of Montserrat stated that Montserrat was a fully internally self-governing Territory where all executive decisions were made by the local Cabinet of Ministers. He further stated that there was no public interest whatsoever in separating from the United Kingdom. The continuing relationship with the United Kingdom was one made by free choice and the people of the island did not see themselves as being a colonized people. He recommended that the Special Committee on Decolonization should remove Montserrat from its decolonization discussions.

6. In November 2013, the Joint Ministerial Council, comprising the United Kingdom overseas territories, including Montserrat, met in London and issued a communiqué in which it reiterated that any decision to break the constitutional link with the United Kingdom should be on the basis of the clear and constitutionally expressed wish of the people of the overseas territory concerned. Section VII.B below contains additional information on the meeting.

II. Budget

7. The public sector in Montserrat continues to be dependent on budgetary aid from the United Kingdom, which ensured approximately 60 per cent of the recurrent budget in 2013. According to the territorial Government, the budget for the period from April 2013 to March 2014 amounted to EC$ 99 million in recurrent expenditure and EC$ 50 million for development purposes. For its part, the United Kingdom made available approximately EC$ 70 million in budget aid to support the Territory's development plans, comprising EC$ 57 million in general budget support for the Territory's recurrent budget and EC$ 13 million in other budget support.

8. The Territory benefits from an allocation of approximately €16 million under the tenth European Development Fund. According to the administering Power, it is anticipated that Montserrat will receive a slight increase under the eleventh Fund.

9. According to the administering Power, overall domestic revenues are expected to be close to EC$ 42 million in 2013/14. Individual residents are taxed on their worldwide income from all sources. Tax is also levied on the chargeable income paid by any incorporated company, building society or body of persons. While companies pay tax of 30 per cent on profits, there is no capital gains tax.

III. Economic conditions

A. General

10. According to government estimates, gross domestic product growth in 2012/13 was 1.6 per cent, reflecting a one-off boom in visitors for the fiftieth anniversary of the Montserrat cultural festival and government capital projects providing some stimulus to the construction sector. The Economist Intelligence Unit put the Territory's estimated gross domestic product for 2013 at $65.5 million. For its part, the United Kingdom continued to support the Montserrat Development Corporation in recognition of its role as a facilitator and project manager for supporting foreign and local private investment in pursuit of sustainable socioeconomic development.

B. Agriculture and fisheries

11. As a result of ongoing volcanic activity, most fertile agricultural land, pasture and fishing areas continue to be either restricted or inaccessible. In recent years, however, agricultural crop, fish and livestock production has reportedly increased.

12. In 2013, the territorial Government continued to focus on agriculture as a key area in which to build its self-reliance policy. Initiatives included employment opportunities and greater local production, notably through backyard gardens and increased acreage being devoted to cultivation.

C. Financial services

13. Montserrat is a member of the Eastern Caribbean Central Bank, which acts as the central bank for the Territory, and is part of the Eastern Caribbean Securities Exchange and the Caribbean Financial Action Task Force, the body that monitors

anti-money-laundering activities and works to counter the financing of terrorism in the region. There are various banking facilities, including two commercial entities (the Bank of Montserrat and the Royal Bank of Canada) and several international banks. There is also a credit union in the Territory.

14. In 2013, the territorial Government continued to enhance corporate governance of the international financial services industry, in cooperation with the Territory's Financial Services Commission, to regulate international banks, insurance companies, money service providers and cooperative societies. According to the administering Power, in response to the focus by the Group of Eight in 2013 on financial transparency, Montserrat made a commitment to combating tax evasion and to participating in an action plan on publishing information on the beneficial ownership of companies. In July, the United Kingdom extended to Montserrat the Convention on Mutual Administrative Assistance in Tax Matters. In November, Montserrat and the United Kingdom signed an agreement to share tax information automatically. In the same month, in an assessment conducted for the Financial Secrecy Index, the Territory was considered to be towards the top end of financial secrecy arrangements. It was noted that the Territory had still to make major progress in offering satisfactory financial transparency.

D. Tourism

15. The redevelopment of the tourism industry continues to be a priority for the territorial Government. As at August 2013, some 6,200 tourists had visited the Territory, an increase of about 8 per cent over the equivalent period in 2012. An improved ferry service with greater capacity was launched in December 2013. The ferry makes the trip between Montserrat and Antigua in about an hour, enabling Montserrat to market itself more effectively as a day-trip destination.

E. Construction

16. The physical development plan for the period 2013-2022 maps out the Government's vision for developing the northern portion of the Territory and provides a framework to help to meet the objectives set out in the sustainable development plan, addressing issues such as land availability, limited resources and infrastructure development.

17. According to the administering Power, there was significant progress in the Territory's capital development programme in 2013/14. With assistance from the United Kingdom, two geothermal exploration wells were drilled. In addition, assistance enabled the rehabilitation of large parts of the A1 road, the Territory's main artery, to a good standard. The development of Little Bay continued with the construction of a marine village and a new building for the Montserrat Social Security Fund.

F. Utilities and communication

18. A private company, Montserrat Utilities Ltd., distributes water and electricity in the Territory. According to the administering Power, the entire population enjoys

access to the Territory's plentiful supply of good potable water and about 98 per cent of residents are connected to the water system. The water section of the company also has responsibility for sewage treatment in some areas, notably Lookout and Davy Hill.

19. For its part, the territorial Government continued in 2013 to promote the development of a national energy policy, moving away from inefficient containerized high-speed diesel generators. According to the administering Power, it is expected that sufficient geothermal energy resources will be made available to meet the demand for electricity in the Territory.

20. In addition to the aforementioned enhanced ferry service, Montserrat and Antigua and Barbuda are also connected by scheduled and charter air services operated by two companies. Montserrat is a member of the Eastern Caribbean Civil Aviation Authority and of Air Safety Support International, which regulates the Territory's airspace. E-mail is widely used and digital subscriber lines have been introduced. In 2013, the territorial Government began to explore the possibility of establishing a fibre-optic link to the Territory from abroad.

IV. Social conditions

A. General

21. The volcanic crisis has had a profound effect on traditional social structures and support systems in the Territory. Many families and communities have been split up and relocated to various parts of the world. According to the administering Power, social welfare services in Montserrat continue to include monthly financial assistance, rental assistance and one-time assistance for basic items. In 2013, the United Kingdom provided funding for a senior social worker to support the development of a strategic framework for integrated social services in Montserrat.

B. Labour

22. The working population of Montserrat comprises about 2,500 persons, approximately half of whom are nationals. Labour relations are governed by the Employment Act and the Labour Code (both revised in 2012), under which the Department of Labour provides mediation and conciliation services, with the Labour Tribunal settling disputes. The Montserrat Allied Workers Union represents workers outside of the public service. There is no minimum wage legislation.

23. The Labour Code as revised in 2012 provides for equality of treatment in employment, irrespective of an employee's race, colour, sex, religious belief, ethnic origin, nationality, political opinion or affiliation, disability, family responsibility, pregnancy, marital status or age.

24. In 2013, the territorial Government continued to address the entrenched shortage of skilled labour by providing relocation incentives to nationals and granting work permits to non-nationals in order to meet the demand for professional and other skilled labour. The granting of work permits is covered under the Immigration Act 2002.

C. Education

25. Montserrat has educational infrastructure and services that provide full access to primary and secondary education. A total of 70 pupils graduated in 2013 from the only government-owned secondary school. The Ministry of Education is responsible for early childhood, primary, secondary and post-secondary education, in addition to special needs, teacher training and education support services. There are several government day-care facilities and nursery schools and a privately owned early childhood facility. In 2013, arrangements were made for a child-safeguarding specialist to lead the Territory's development of a multi-agency child-safeguarding framework.

26. The Montserrat Community College in Salem offers programmes for students between 16 and 18 years of age, in addition to nursing education and some technical skills courses. The University of the West Indies maintains an extramural department adjacent to the Community College. Postgraduate college students can study for a variety of long-distance degrees from the University. Citizens from overseas territories enjoy the home student fee rate at British universities. Furthermore, in 2013/14, a student from Montserrat was awarded a Chevening scholarship to study in the United Kingdom. For its part, in November 2013 the Council of the European Union adopted a decision on the association of the overseas countries and territories with the European Union that provides for access to, among others, horizontal European Union funds, such as those for higher education and vocational education.

D. Public health

27. The Ministry of Health is responsible for providing primary and secondary health services, including foster care, in addition to health-related policy advice in such areas as general medical care and surgical care, diagnostic testing, eye and ear care and medication. The territorial Government offers free emergency dental services for school-age children, the elderly, pregnant women and government staff, in addition to providing highly specialized health services through arrangements for a number of specialists to visit the Territory. At the same time, arrangements are in place for emergency medical evacuation to Antigua and Barbuda and Guadeloupe. According to the administering Power, life expectancy in the Territory continues to be estimated at approximately 75 years.

28. The Territory's health facilities include the 30-bed Glendon Hospital in St. Johns in the north, which is able to cover all routine health issues, X-rays and minor operations, in addition to several primary care clinics. In 2013/14, efforts were under way to expand the hospital with a grant of £8.4 million from the United Kingdom.

E. Crime and public safety

29. Under a five-year strategy, the Royal Montserrat Police Service is focusing on neighbourhood and intelligence-led policing, crime reduction and prevention, and partnership in the criminal justice system. According to the administering Power, Montserrat has a very low crime rate compared with the rest of the Caribbean.

30. According to official sources, in 2013 the United Kingdom funded a law enforcement adviser based in Miami, United States of America, who coordinates, manages and facilitates training and strategic advice to introduce new techniques and skills for the Territory's law enforcement agencies. Furthermore, *HMS Lancaster* and Royal Fleet Auxiliary *Wave Knight* were on patrol in the Caribbean and the North Atlantic to provide disaster relief and humanitarian assistance as needed. They were also engaged in counter-narcotics and interdiction patrols. Both ships made reconnaissance visits to the Territory to improve their coordination with local disaster management bodies.

F. Human rights

31. Under the Territory's Constitution, provision is made regarding the fundamental rights and freedoms of the individual. The following international human rights instruments have been extended to Montserrat: the European Convention on Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the International Convention on the Elimination of All Forms of Racial Discrimination. According to the administering Power, two new commissions have been established, dealing with complaints and the preservation of integrity in public life.

32. For its part, the Territory's Human Rights Committee, established in 2005, helps to fulfil the Territory's reporting requirements under various international conventions, monitors the implementation of the conventions and advises the Government on matters relating to human rights. The Status of Children Act 2012, which entered into force in 2013, abolishes the legal distinction made between the status of children born within and outside marriage.

V. Environment and volcanic activity

33. Following the eruption of the Soufrière Hills volcano in 1995, an exclusion zone comprising roughly the southern two thirds of the island was established. Since the eruption in February 2010, the volcano has been quiet. According to the administering Power, some relaxations in access to Zone C were made in 2013, while work continued on repairs to bridges, roads and culverts that had been washed away by flooding and landslides caused by the passing of Hurricane Earl in 2010.

34. Montserrat has a clearly defined institutional framework for disaster response, which in 2013 was tested in an exercise called Operation Greenflash. A national hurricane plan produced in 2013 outlines the major tasks to be undertaken by the Territory's agencies, ministries or departments as part of the national emergency management system in planning for, and responding to, tropical weather systems.

35. In January 2014, the Environmental Audit Committee of the House of Commons of the United Kingdom issued a report on sustainability in the United Kingdom overseas territories in which it identified financial and institutional concerns regarding threats to unique habitats and species and the protection of biodiversity.

36. In the report, the Committee stated that, during its inquiry, the Government of the United Kingdom had expressed general but unspecified aspirations to cherish the environment in the overseas territories, but had been unwilling to acknowledge or to address its responsibilities under United Nations treaties. That was found to be disappointing because the environment in the overseas territories was globally significant and comprised 90 per cent of the biodiversity for which the Government of the United Kingdom had responsibility. According to the Committee, the Government had failed to negotiate the extension of the Convention on Biological Diversity — the flagship United Nations policy on biodiversity protection — to all the overseas territories and had not ensured the accurate monitoring of biodiversity there. The Committee said that, in environmental terms, the white paper on the overseas territories published in 2012 was considered a missed opportunity.

37. Among the conclusions, the Environmental Audit Committee mentioned that:

(a) In the light of the international significance of the biodiversity in the overseas territories, 13 years was too long a gap between white papers on the overseas territories;

(b) The Government of the United Kingdom was prepared to exercise hard and soft power in relation to financial matters in the overseas territories, but it was apparently not prepared to exercise those powers to protect biodiversity and to promote environmental sustainability;

(c) The four overseas territories to which the Convention on Biological Diversity had been extended (the British Virgin Islands, Gibraltar, Saint Helena and the Cayman Islands) had not been effectively included in biodiversity reporting by the United Kingdom; it was felt that compliance with the stipulations of the Convention was ultimately a responsibility of the Government of the United Kingdom;

(d) Without enhanced monitoring, the Department for Environment, Food and Rural Affairs of the United Kingdom could not accurately report under the Convention on Biological Diversity on the full extent of biodiversity in the overseas territories and therefore measure progress towards the commitment to halt biodiversity loss by 2020.

38. With regard to Montserrat, the Committee indicated that in 2008 an environmental management bill had been introduced in the Territory to set up basic planning controls, but by December 2013 had yet to be enacted. The Territory lacked baseline standards on development control such as statutory environmental impact assessments for major developments and strategic development plans. The report featured the case of Piper's Pond as an example of environmentally destructive development that had affected the only remaining mangrove area on the island.

VI. Relations with international organizations and partners

39. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean and its subsidiary bodies. According to the administering Power, the Territory continues to maintain a bilateral dialogue with the International Monetary Fund, involving the Territory's public sector, banking, business and union representatives.

40. Montserrat is a founding member of both the Caribbean Community and the Organization of Eastern Caribbean States (OECS) and a member of the institutions associated with those organizations, including the University of the West Indies, the Caribbean Development Bank and the Eastern Caribbean Central Bank, in addition to the OECS Assembly, which was established in 2012 under the Revised Treaty of Basseterre to support the legislative work of OECS. Moreover, the Territory has observer status with the Caribbean Financial Action Task Force and is a member of the Caribbean Regional Fisheries Mechanism.

41. As a Non-Self-Governing Territory of the United Kingdom, Montserrat is associated with the European Union but is not a part of it. As at January 2014, the Territory was a partner under the above-mentioned decision of the Council of the European Union, approved, among other things, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the European Union in the wider world. Information on grant aid provided to Montserrat by the European Union can be found in section II above.

VII. Future status of the Territory

A. Position of the territorial Government

42. Information on the position of the territorial Government regarding the future status of Montserrat is set out in section I above.

B. Position of the administering Power

43. On 11 October 2013, at the 7th meeting of the Special Political and Decolonization Committee (Fourth Committee) during the sixty-eighth session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was modern and based on partnership, shared values and the right of the people of each territory to choose to remain British. Should the people of a territory choose to remain British, the United Kingdom would maintain and deepen its special relationship with them.

44. He went on to say that, since the publication in June 2012 by the Government of the United Kingdom of a white paper entitled *The Overseas Territories: Security, Success and Sustainability*, the United Kingdom had been working closely with the territories to develop that partnership further. His Government had a fundamental responsibility to ensure the security and good governance of its overseas territories. The United Kingdom had strengthened the annual meeting with territory leaders into a joint ministerial council and had given it a clear mandate to lead work to review and implement the strategy and the commitments set out in the white paper (see A/C.4/68/SR.7).

45. At the second meeting of the Overseas Territories Joint Ministerial Council, held in London on 26 November 2013, the United Kingdom and overseas territory leaders agreed upon a communiqué that included the following passage setting out the joint position of the United Kingdom and the overseas territories on self-determination:

We reiterate our commitment to continuing to build a modern relationship based on partnership, shared values and the principle of self-determination. The people of each territory have the right to choose whether or not their territory should remain a British overseas territory or to seek an alternative future.

...

The right of self-determination is enshrined in the Charter of the United Nations. We believe that the people of all overseas territories have a right to determine their own futures, to decide on the path they wish to take and to maintain freely their constitutional link with the United Kingdom if that is their choice. Being a British territory entails a balance of benefits and responsibilities. We affirm a commitment to shared values, high standards of governance and building a stronger partnership. Any decision to break the constitutional link should be on the basis of the clear and constitutionally expressed wish of the people of the territory. We believe that the United Nations Decolonization Committee should delist territories where this is their wish.

Each territory is unique and has its own constitution. We will continue work to complete the process of constitutional modernizations so that territories have the greatest self-government possible.

C. Action taken by the General Assembly

46. On 11 December 2013, the General Assembly adopted, without a vote, resolutions 68/95 A and B, based on the report of the Special Committee (A/68/23) and on the subsequent recommendation by the Fourth Committee. Section VII of resolution 68/95 B concerns Montserrat. In the operative paragraphs of that section, the General Assembly:

1. *Recalls* the 2011 Constitution of Montserrat and the work of the territorial Government with respect to moving forward to consolidate the gains provided for in the Constitution;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Welcomes* the Territory's participation in the 2012 inauguration of the Organization of Eastern Caribbean States Assembly, its steps towards accession to the economic union treaty of the Organization of Eastern Caribbean States and its active participation in the work of the Economic Commission for Latin America and the Caribbean;

4. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption.